IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2958 OF 2006
IN
APPEAL NO. 521 OF 2006
IN
NOTICE OF MOTION NO. 2963 OF 2005
IN
SUIT NO. 2732 OF 2006

Citibank N.A, Paraguay .. Appellant.

V/s.

1. Hetero International & Others .. Respondents.

Dr.Virendra Tulzapurkar, senior counsel with Mr. V.R.Dhond i/by Mr.A.T.Agarwal for the Appellant.

Mr.Janak Dwarkadas, senior counsel with Mr.Milind Vasudeo adn Manek Joshi i/by M & M Legal Ventures for the Respondent No.1.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 07th DECEMBER, 2006.

P.C.:

. By consent of the senior counsel for the Appellant and the senior counsel for the Respondent No.1, we dispose of this notice of motion by the following order :

i. On the maturity of the fixed deposit kept by the Prothonotary and Senior Master, pursuant to the order dated 7th August, 2006, the Appellant is at liberty to withdraw the amount

kept by the Prothonotary and Sr.Master in fixed deposit including interest.

ii. The withdrawal shall be subject to the Appellant's furnishing a Bank Guarantee of any nationalized bank in favour of the Prothonotary and Senior Master, High Court, Bombay and to her satisfaction for the said amount carrying interest at the same rate as is applicable to the fixed deposits of amounts deposited in Foreign Exchange per annum with the State Bank of India.

iii. The Bank Guarantee shall be valid initially for a period of twelve months from the date of the Guarantee and the Appellant has to renew the same from year to year before its expiry, pending disposal of the appeal.

2. The undertaking to this effect shall be filed by the Appellant before withdrawal of the amount as directed in the order.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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